

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

THOMAS DENISON, on behalf of
himself and others similarly situated,

Plaintiff,

v.

Case No: 2:20-cv-89-JLB-MRM

FIRST FAMILY INSURANCE,
INC., a Florida Corporation,

Defendant.

ORDER

This matter is before the Court on the parties' Joint Notice of Settlement filed on January 26, 2021. (Doc. 32.)

This is a purported collective action for unpaid overtime wages under the Fair Labor Standards Act ("FLSA"). (See Doc. 1.) Pursuant to Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350 (11th Cir. 1982), claims for back wages arising under the FLSA may be settled only with approval of the Court or the Secretary of Labor. The parties represent that they are preparing "the appropriate settlement and dismissal documents." (Doc. 32 at 1.) The parties are directed to consult the Court's recently entered order in Flood v. First Family Ins., Inc., Case No. 2:20-cv-623-JLB-NPM, 2021 WL 211268, at Doc. 17 (M.D. Fla. Jan. 21, 2021) (hereinafter "the Flood Order"), for direction on what the Court considers to be "the appropriate" documents to terminate this FLSA action upon a settlement having

been reached.¹

Accordingly, it is hereby **ORDERED** that:

1. In light of the parties' Joint Notice of Settlement (Doc. 32), the Court **DENIES WITHOUT PREJUDICE** as moot Plaintiff's Motion to Compel Discovery (Doc. 27), and Plaintiff's Motion to Facilitate Notice (Doc. 13).

2. The Court **STRIKES** as moot the Report and Recommendation (Doc. 28), Plaintiff's Objections (Doc. 30), and Defendant's Response In Opposition to Plaintiff's Objections (Doc. 31). Should the parties ultimately not settle this case, the Court will instruct the Clerk of Court to reinstate Plaintiff's motions and the stricken documents (Docs. 13, 27-31) to the docket, at which time the Court will proceed as if they had not been stricken.

3. The parties are directed to file the appropriate motion and papers to terminate this case, as set forth in the Flood Order, on or before February 28, 2021.

ORDERED at Fort Myers, Florida, on January 28, 2021.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE

¹ Flood Order, available at: <https://ecf.flmd.uscourts.gov/doc1/047122537905> (last visited on Jan. 27, 2021).